

RESPONSE TO
REQUESTS FOR INFORMATION
TRANSMITTED TO "CHAPEL STREET PARTNERS"

PRELIMINARY NOTE

As discussed with regional counsel, additional time to complete the response to the Request for Information was requested beyond the initial extension to September 15, 2013 (a Sunday). That request was denied for any duration. The responses below are thus being provided notwithstanding that additional information is being assessed and that documents are being assembled. A supplemental response will be provided in the near term and the refusal to grant even a brief extension is unfair and counterproductive.

INTRODUCTION

1. The definition of the terms "the Company" and "Chapel St." to include the entity named "Chapel Street Partners" and "its predecessors, successors, subsidiaries, divisions, branches, officers, managers, employees, contractors, trustees, partners, assigns and agents" is overbroad, vague, and creates confusion. In addition, that definition improperly blurs the distinctions between entities and improperly incorporates a potentially massive number of individuals beyond the concept of any single entity. Further, the use of the defined terms "the Company" and "Chapel St." is not consistent throughout the Request for Information as specific reference is made to various entities as distinct entities. See, for example, questions 14 and 21. For the purposes of the responses below the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings".
2. Overall, we note that notwithstanding the discretion provided to the United States Environmental Protection Agency ("EPA" or "the Agency") regarding requests for information under Section 104e of CERCLA, the burden placed to provide responses on the Company in this instance is both unwarranted and inequitable. As has been noted in various communications with the Agency, the materials found beneath the Millard E. Terrell Homes ("Terrell Homes") was evidently present well before the Company, Chapel Street or Hug occupied or owned any of the land in the vicinity of the Terrell Homes complex. Further, as information provided by the Agency to the public notes, the impacts to the Terrell homes which have been the subject of removal and other actions by the Agency have been traced to prior owners or operators on that land and lot on the land owned by the Company. At no point had the Company, Chapel Street or Hug discharged materials at or under the Terrell Homes complex. At no point had the Company, Chapel Street or Hug acquired interest in any entity that had discharged materials at or under the Terrell Homes complex. Liability for such contamination does not extend to a party simply because that party acquires the land upon which a potentially responsible party had operated. The Company requests the opportunity to meet with the Agency to better understand the Agency's intentions to the Company.

3. The Company is a small business that operates essentially as a property manager for the 99 Chapel site with limited employees and resources. The Request for Information was not specifically tailored to information relating to the metals found in soils beneath the Terrell Homes complex nor the operations of the foundry operations allegedly previously operating in the area. Rather, the Requests for Information were exceptionally broad with little or no limitations. Effectively, the information sought involved all operations and all materials that occurred at any time in the vicinity of the 99 Chapel Site. The Company simply does not have the resources to provide all of the information requested.
4. The Company notes that the overwhelming bulk of its records were stored in locations at the 99 Chapel property that were inundated by flood waters resulting from Superstorm Sandy in October and November of 2013. The Company has and continues efforts within the Company's limited resources to assess of such information can be responsive to the requests as reframed below.
5. As noted in the Pre-CERCLIS screening report prepared by the New Jersey Department of Environmental Protection dated May 2012 and presented to the Agency, the Company's real property does require further investigation CERCLA. An additional copy of that Report (previously provided to the Agency) will be provided in the future. While the Pre-CERCLIS screening report includes references to historical summaries that are not accurate (such as the reference that Barth Smelting operated after 1978) the conclusions in that report as to the lack of any unaddressed threats to human health or the environment at the Company's site are valid and suggest that the Agency's focus on the site at this time is misplaced and unwarranted.
6. As has been discussed with the Agency, any contamination beneath the Company's property not migrating from other properties has been and continued to be addressed by the Company in the context of the applicable laws and regulations included work currently be undertaken under the supervision of a Licensed Site Remediation Professional ("LSRP"). The relevant LSRP retention form will be provided in the future.
7. The requirement of item 5 under Directions that "If additional information or documents responsive to this Request becomes known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104e that your company supplement its response within 30 days from the date such information or document became available to it" has no limitation in any context, including, but not limited to, when the instruction would expire, whether the "additional" information must be supplied if redundant to other information available to the agency and the whether additional information can be accumulated so as to not require monthly updates.
8. Documents not available, unless otherwise noted, are not available because they could not be located on reasonable inquiry, were disposed of over the course of years, or were never in the responder's possession.
9. The definition of "Site" encompasses multiple properties including, but not limited to, the "Barth Smelting Superfund Site" and the "former Barth Smelting & Refining Works location

and the surrounding contaminated area". The terms "Barth Smelting Superfund Site", the "former Barth Smelting & Refining Works location", and "the surrounding contaminated area" are not defined nor readily discernible for the information available. As noted herein, the operations of the Barth Smelting & Refining Works ("Barth") predate the presence of the current owners of the property known as Lot 10 of Block 2442 as shown on the tax maps of the City of Newark, Essex County, New Jersey ("Lot 10"). Hence, the geographic scope encompassed by Barth is not known. Further, "the surrounding contaminated area" is vague and given the presence of pervasive contamination throughout the geographic area that includes Newark and surrounding communities, taken to its logical extension of the defined term would extend for many miles. In addition, the definition of Site could implicate the area impact by operations of other industrial operations in the area, including, but not limited to the New Jersey Zinc and Iron Company and also known as New Jersey Zinc Works ("Zinc") which have not been shown to overlap with the areas of Barth's operations. Hence, the definition of Site could be interpreted to include distinct areas of contamination unrelated to contamination on Lot 10 or operations of Barth. Overall, the term "Site" is so broadly and vaguely defined as to have no discernible meaning. Except as noted below, the term "Site" is understood to refer to Lot 10. Without expanding upon that understanding, where particular information has been identified regarding nearby or adjacent lands, such as Lots 11 and 12 of Block 2442 as shown on the tax maps of the City of Newark, Essex County, New Jersey ("Lot 11" and Lot "12", respectively), such information has been identified and related documents provided or referenced.

10. In addition the introductory statements accompanying the Request for Information include the statement "Our records indicate that your company owns the 99-129 Chapel St. property which includes Block 2442, Lot 10, the location of the former Barth Smelting facility." Insufficient information is available to confirm the location of the "former Barth Smelting facility" and the assumption that the location of the "former Barth Smelting facility" is synonymous with Lot 10 has not been substantiated.

RESPONSES TO REQUEST FOR INFORMATION

1. State your full name and legal address.

Response: 99 Chapel Street, L.L.C. , 99 Chapel Street, Newark, New Jersey 07105.

2. State the correct legal name and mailing address for Chapel Street Partners ("Company").

Response: For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings". Additional information will be provided in the future.

3. State the name(s) and address(es) of the Partners of the Company.

Response: For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings". The Company is an limited liability company and does not have partners.

4. If the Company is a subsidiary of another corporation, identify such other corporation and state the name(s) and address(es) of that corporation's President, Chairman of the Board and the Chief Executive Officer. Provide such information for any further parent/subsidiary relationships. Identify any successor corporations or other entities of the Company. Provide all documents related to any subsidiary or successor agreements/relationships.

Response: For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings". The Company is not a subsidiary of another corporation. Neither Hug nor Chapel St. were or are subsidiaries of another entity. The Company reserves the right to supplement this response.

5. Identify the state and date of incorporation, agent for service, and for each entity identified in your response to question 4. above.

Response: No entities were identified in the response to question 4 above as a parent to the Company, Chapel St. or Hug. The Company reserves the right to supplement this response.

6. If the Company has been taken over or has been acquired by another corporation or is a wholly owned subsidiary of another company, please describe the nature of the takeover, how it occurred, and who is now responsible for the company's prior environmental and financial matters.

Response: For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings".

The terms "acquired by" and "takeover" are not defined and are subject to varied interpretation in the context of this inquiry. The Company was formed in 2000. The second part of this inquiry seeks information as to "who is now responsible for the company's prior environmental and financial matters". The term "responsible" is vague in the context of this inquiries, but it is assumed that the intent of the inquiry was to identify the individual or individuals who is specifically tasked with identifying coordinating inquiries relating to "environmental matters" and "financial matters". The Company reserves the right to supplement this response. At this

time, the Company has not identified an individual specifically tasked as listed.

7. Has the Company been the subject of or otherwise involved in a bankruptcy filing under the United States Bankruptcy Code, 11 U.S.C. §§ 101-1330? If not, does the Company anticipate filing a petition under the Bankruptcy Code within the next six months? If the Company has been the subject of or otherwise involved in a bankruptcy filing, identify the name of the debtors), chapter of the Bankruptcy Code under which the bankruptcy was filed, and provide copies of all bankruptcy petition(s) and schedules which have been filed by or with respect to the Company. In addition, state the current status of the bankruptcy proceedings.

Response: No. Note, for the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings".

8. Does Chapel St. own the real property identified as Block 2442, Lot 10 and located at 99 Chapel Street, Newark, Essex County, New Jersey ("Site") or was there a partnership in owning the property? If yes, specify the name of the owner/partnership and the date the Site was acquired. Describe the Site at the time it was acquired and if there were any businesses at the Site. Provide the name of the property owner(s) prior to Chapel St.'s ownership of the property? Describe the prior operations at the Site, if known. Was or is there a relationship with any of the prior owner(s) of the property? If so, please describe in detail what that relationship is/was? Did Chapel St. ever perform a Phase 1 Environmental Site Assessment ("Phase 1") on the property prior to ownership? If so, please provide the details of the Phase 1 and provide a copy. Are you aware of any other previous Phase I's that have occurred on the property? If so, provide the details of those other Phase 1's and provide copies, if available.

Response: For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings".

As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. This inquiry involves multiple questions and many compound questions. The referenced to "at the time it was acquired" is understood to mean the condition at the time the property was acquired by Hug. That date was November 2, 1978. The reference to "prior operations" is understood to mean operations prior to the transaction by which Chapel St. (as that term is defined in the Request for Information) acquired title. The reference to "prior owner(s)" is understood to mean fee owners prior to Hug.

At the time of the transaction when Lot 10 was acquired, November 2, 1978, the property owner

(grantor) was "Ogden Alloys, Inc, a Delaware Corporation, successor in merger to Barth Smelting & Refining Works, Inc." and the grantee was "Hug Holdings, a New Jersey General Partnership". The partners in Hug at that time were Umberto J. Guido, Jr., Clifford Palmer, Nat Marco, and Pat Mazzella. Over the following years, a the composition of the partnership changed resulting in the changed. By deed dated June 27, 1988 the executrix for the estate of Nat Marco conveyed his partnership interest to the remaining partners. By deed June 30, 1988, Clifford Palmer conveyed his interest in the partnership to the remaining partners. By deed dated April 29, 2000, Pat Mazzella conveyed his interest to the partnership which was renamed "Chapel Street Partners". Chapel Street Partners was owned and controlled by Umberto J. Guido, Jr. and member of his immediate family. By deed dated December 10, 2003 ownership of the property was transferred to 99 Chapel Street, L.L.C. a New Jersey limited liability company whose shareholders included the members of Chapel Street Partners.

At the time Lot 10 was acquired by November 2, 1978 the Property was generally vacant. Based on review of aerial photographs publicly available (such as at www.historicaerials.com) prior structures apparently associated with the operations of Barth had been previously demolished. The only information regarding operations prior to November 2, 1978 is information supplied by Environmental Protection Agency or the information sources available to the public. No Phase I studies were conducted at that time. In the initial time period following the property was acquired on November 2, 1978, the property housed the operations of companies that stored large shipping containers used in freight transport operations by various entities using the Port Newark-Elizabeth Marine Terminal and associated offices. The Company reserves the right to supplement this response.

9. During what period of time has the Company owned and/or operated at the Site? Describe in detail all previous and current operations on the Site.

Response: For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings".

The requirement to detail "all previous and current operations on the Site" is unduly burdensome. As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. The response is focused on a general description of the current operations at the Site and operations since November 2, 1978. The only information regarding operations prior to November 2, 1978 is information supplied by Environmental Protection Agency or the information sources available to the public.

A general description of the operations at the site during the Company's ownership will be supplied in the future. The Company reserves the right to supplement this response.

10. Describe in detail any earth moving activities that have occurred on the Site during your ownership of the property and the locations of those activities. Have any new fences or structures been erected on the property during your ownership? Provide any lease agreements and/or property relationship documents during your ownership of the property.

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. The terms "earth moving", "structures", and "property relationship" are not defined, vague, and subject to varied interpretations. "Earth moving" is understood to mean reconfiguration or re-grading of the surface of the property involving the excavation of deposition of soils in significant quantities and not minor movements of soils such as the movement of soils incidental to the installation, removal, or repair of utility lines or the removal of underground storage tanks. As so understood, there has been no earth moving activities during the Company's ownership of Lot 10. The term "structures" is understood to mean new buildings or walls and not the repair, replacement or minor modification of then existing buildings or walls. Except for a small garage area built without footings or any excavations in or around 2000, no new fences or structures have been erected. The term "property relationship" is understood to mean deeds, or recorded easements. Copies of leases, deeds, or recorded easements in the Company's possession will be supplied in the future. Such documents are available to the public through the Essex County Registrar of Deeds. The Company reserves the right to supplement this response.

11. To your knowledge were the prior owner(s)/operator(s) of the Site property in the metals/battery manufacturing or smelting business? If known, describe in detail what those prior operations were on the Site and when they occurred. Do you have any knowledge of the Barth Smelting & Refining Works or the General Lead Batteries Company operations at the Site, since they both operated at that location prior to your ownership? Please provide all information you have regarding these two entities and their occupation of the Site. If you are aware of their ownership of the property at one time, please provide documentation to substantiate that information. In addition, if you are aware of any earth moving activities occurring on the property prior to your ownership, describe the details of that operation and the location of those activities.

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. The Company does not have information regarding the operations of Barth Smelting & Refining Works or General Lead Batteries Company, including any earth moving activities, other than the information available to the public or provided by the Agency. The Company reserves the right to supplement this response.

12. Describe in detail what condition the Site was left in after the prior owner(s) vacated it, including but not limited to, any waste products, containers of product or waste chemicals and contaminated soils. Describe any other conditions that may be deemed hazardous to the area residents. Provide all information and documentation you have with regard to the history of environmental contamination on the property.

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. Focusing on Lot 10, as described in the DPA, underground storage tanks storing fuels were present on or before November 2, 1978. Aerial photographs available publicly, including on-line, indicate that the bulk of the Barth facility was removed prior to

November 2, 1978 and presumably equipment and production materials used by Barth were removed when the facility was decommissioned and removed. The Company reserves the right to supplement this response.

13. Describe the nature of the businesses that are currently being occupied on the Site and if they involve any earth moving activities. This explanation should include, but not be limited to, a statement of the number of people employed, the procedure followed in their business, a description of the chemicals or product, used in their operation, and a description of how the various chemicals or products are handled or disposed of. If the nature of the current operations on the Site has changed over the years, please so indicate and describe the various business activities in which the companies have been involved.

Response: "Earth moving" is understood to mean reconfiguration or re-grading of the surface of the property involving the excavation or deposition of soils in significant quantities and not minor movements of soils such as the movement of soils incidental to the installation, removal, or repair of utility lines or the removal of underground storage tanks. As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. Focusing on Lot 10, a general descriptions of the operations at Lot 10 after November 2, 1978 will be provided in the future. None of those operations involved earth moving. The Company reserves the right to supplement this response.

14. Describe each position, formal and/or informal, that the operators of Chapel St. held or hold with the Company and for each company that currently operates or has operated at the Site. Your description should include, but not be limited to, the person(s) names who held/hold the positions, the duties and responsibilities of each position, the actual tasks that they perform(ed), both routinely and occasionally, and the dates that they held/hold the positions.

Response: For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings".

As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. Further, the term "operators" in the context of Chapel St. is confusing. Focusing on Lot 10, and with the understanding that "operators of Chapel St." refers to partners/shareholders of Chapel St. The Company reserves the right to supplement this response in the future.

15. For each of the positions identified in question 14, list any responsibilities with respect to management, control, and day-to-day operations, including waste handling practices and all other operations at the Site.

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. Further, the addition of the phrase "and all other operations" is also vague, extremely broad, and subject to varied interpretations. The Company reserves the right to supplement this response in the future.

16. State whether any business records of the current and prior owner(s)/operator(s) of the Site exist. If the answer is yes, state the location of these records and produce:
- All documents relating to the disposal of any wastes; and
 - All documents relating to the disposal of any hazardous substances, hazardous waste, or solid waste at the Site.

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. Further the inclusion of the terms "any wastes" and "solid waste" renders the inquiry oppressively burdensome, particularly since the question is not limited to any specific timeframe. A variety of solid wastes were generated at the site since November 2, 1978 and disposed of in the ordinary course of business as permitted by law. Production of records associated with solid wastes or other ordinary wastes would entail searches of records and inquiries to past and current tenants for documents unrelated to the presence of metals and historic fill constituents in soils beneath Lot 10 and other nearby lots. Hence, no inquiry has been made as to the existence of information related to such solid wastes and ordinary wastes. The Company reserves the right to supplement this response in the future.

17. State whether any containers, tanks, vessels, equipment, pipes, or systems on Site may still have contained any quantity of materials used while you owned/operated there and:
- Whether any materials were discharged by pipe to the ground;
 - Whether any underground tanks or vessels are located on Site. If yes, identify the location, size, and contents of each; and
 - How materials were disposed of. For each shipment of waste material, state the name of the transporter, quantity shipped, and the name of the disposal facility.

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. Further the inquiry is also not limited to any duration. The Company reserves the right to supplement this response in the future.

18. Identify all current and/or past production records kept by all owners/operators on the Site and describe the contents of such records.

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. The request is unduly burdensome. The reference to "all current and/or past production records kept by all owners/operators on the site" is vague and overbroad. The Company notes that operations since November 2, 1978 are unrelated to and have no usage of materials associated with foundries or other similar operations. The Company reserves the right to supplement this response in the future.

19. Identify any persons who concurrently with the owner/operator exercised actual control or who held significant authority to control activities at the Site, in addition, identify;
- Partners or joint venturers;
 - Any contractor, subcontractor, or licensor with any presence or activity on the Site; (service contractors, remediation contractors, management and operator

- contractors, licensor providing technical support to licensed activities, construction contractors, heavy equipment operators);
- c. Any person subleasing land, equipment, or space on-site;
- d. Utilities, pipelines, railroads, and any other person with activities and/or easements regarding the Site;
- e. Major financiers and lenders;
- f. Any person who exercises or exercised actual control over any activities or operations at the Site;
- g. Any person who held or holds significant authority to control any activities or operations at the Site;
- h. Any person who had or has a significant presence or who conducted significant activities at the Site,
- i. Government entities that had proprietary (as opposed to regulatory) interest or involvement with regard to the current or previous activities at the Site,

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. The timeframe for this inquiry is understood to be during the Company's ownership. The terms "significant presence" and "significant activities" are vague within the context of the property. No government entity operated during the Company's period of operations. The Company reserves the right to supplement this response in the future. The Company's operations involved offices.

20. In the event that ownership of the Site was transferred by foreclosure or its equivalent (including purchase at foreclosure sale, acquisition or assignment of title in lieu of foreclosure, acquisition of a right to title or possession, an agreement in satisfaction of an obligation, or any other formal or informal manner by which a lender may acquire title to or possession of secured property), state whether the lender at any time;
- a. Participated in the management or operational affairs of the debtor? if so, describe such participation;
 - b. Exercised decision making control over the debtor's environmental compliance? If so, describe such exercise of decision making control; and
 - c. Exercised control at a level comparable to that of a manager of the debtor's business with respect to (i) environmental compliance, or (ii) all or substantially all, of the operational (as opposed to financial or administrative) aspects of the debtor's business other than environmental compliance? If so, describe such exercise of control.

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. The Company is not aware of any event when Site was transferred by foreclosure or its equivalent (including purchase at foreclosure sale, acquisition or assignment of title in lieu of foreclosure, acquisition of a right to title or possession, an agreement in satisfaction of an obligation, or any other formal or informal manner by which a lender may acquire title to or possession of secured property).

21. State whether Hug Holdings ("Hug") or 99 Chapel St. LLC ("99 Chapel") and Chapel St. are or were previously affiliated with each other. If so, describe in detail what these relationships are/were and provide all documentation related to them.

Response: For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings". See the information in the response to question 8 as to the relationships between the Company, Chapel St. and Hug. The Company reserves the right to supplement this response.

If there is such an affiliation please answer questions 22 and 23.

22. State whether Hug or 99 Chapel have ever had a warrant to purchase stock in Chapel St., and if so, produce all documents related to, or that refer to, such warrant. In addition, state if Hug or 99 Chapel pledged any stock in Chapel St., including common and preferred stock, as collateral for any loans made to the Company by Hug or 99 Chapel.

Response: For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings". Neither Hug nor the Company ever had a warrant to purchase stock in Chapel St. Neither Hug nor the Company pledged any stock in Chapel St as collateral for any loan made to the Company by Hug or the Company.

23. State whether Hug or 99 Chapel or any director, officer, employee, or agent of Hug or 99 Chapel has ever provided or offered any advice to Chapel St. relating to its operations, company management or its handling or disposal of hazardous wastes or hazardous substances (as defined in the "Instructions") at the Site. Describe the nature of any such advice given to Chapel St.

Response: For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings". The term "advice" is vague within the context of the question. As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. The Company is not aware of any specific instances of "advice" being provided. Overall, the Company has worked to comply with all applicable requirements regarding hazardous wastes or hazardous substances. The Company reserves the right to supplement this response.

24. Provide all reports, information or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. Copies of the reports, information or data are to be provided when they are finalized.

25. Identify all prior operators of the Site, including lessors, of the Site. For each such operator, further identify:
- The dates of operation;
 - The nature of prior operations at the Site;
 - All evidence that they controlled access to the Site; and All evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. The phrase "controlled access to the site" is vague in the context of the question. The term "threatened" is also vague in the context of the question and calls for technical and legal conclusions. The Company notes that the property is fenced and gated except along the riverfront. Other than potential underground storage tank releases, the Company is not aware of discharges from the Company's operations. The Company has not completed a review if there is information about releases from operations of tenants since the site was acquired by Hug. The Company reserves the right to supplement this response.

26. At the time Chapel St. acquired or operated the Site, did the Company know or have reason to know that any hazardous substance (as defined, above) was disposed of on, or at the Site? Describe all investigations of the Site that the company undertook prior to acquiring the Site and all of the facts on which you base the answer to the preceding question. Provide copies of all relevant documents.

Response For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings". As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. The question is also vague as to the timeframe involved particularly given the information sought in other questions such as question 25. With the understanding that the question refers to the time with the property was acquired by Hug, the Company was not aware of the disposal of hazardous substances at or under the property. The Company reserves the right to supplement this response.

27. Other than Chapel St. and/or Hug, did any other company own, operate or lease the Site, or portions of the Site, to operate a metals manufacturing or smelting business? If yes, list the names of each of the companies, its address, and the nature of its business. Provide copies of all relevant documents.

Response: For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings". As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. Further, the wording of the question

insinuates that Chapel St. and/or Hug owned, operated or leased the Site or portions of the Site to operate a metals manufacturing or smelting business. At no time did Chapel St. or Hug or the Company own, operate or lease the Site or any portions of the Site to operate a metals manufacturing or smelting business. Further, the Company is not aware of any entity owning, operating or leasing any portion of Lot 10 or any adjacent property after November 2, 1978 to operate a metals manufacturing or smelting business. As the time period prior to November 2, 1978 the Agency has indicated publicly that a variety of entities operated metals manufacturing and/or smelting businesses on portions of Lot 10 and on other properties in the area. In particular, the Agency has indicated that the entity known as Newark Zinc and Iron Company and also known as Newark Zinc Works operated in the area now occupied by the Millard E. Terrell Homes. The Company reserves the right to supplement this response.

28. Did Chapel St. generate or have knowledge of hazardous wastes at the Site? Please describe the Company's treatment, storage, and/or disposal practices for any hazardous wastes generated at the Site or any knowledge thereof. Provide copies of all relevant documents.

Response: For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings". As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. Chapel St. does not have any information regarding the generation of hazardous wastes by Chapel St. The Company reserves the right to supplement this response.

29. Describe in detail how and where the hazardous wastes, industrial wastes, and hazardous substances generated, handled, treated, and stored at the Site were disposed of. If any hazardous wastes, hazardous substances, or industrial wastes were taken off-site for disposal or treatment, state the names and addresses of the transporters and the disposal facility used. Provide copies of all relevant documents.

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. No timeframes were given for this question. The breadth of this inquiry would entail a tremendous expenditure of time even if the question were limited to Lot 10 and a reasonable timeframe. The Company is not aware of any records of the generation or storage of hazardous wastes, hazardous substances, or industrial wastes of the nature that could be related to the lead and other metal materials found beneath Lot 10 or the Terrell Homes complex since the property was acquired by Hug. Further, manifests and generator records are publicly available records in the possession of the Agency and/or the New Jersey Department of Environmental Protection. The Company reserves the right to supplement this response.

30. Who determined where to treat, store, and/or dispose of the hazardous substances and/or hazardous wastes handled at the Site? Provide the names and current or last known

addresses of any entities or individuals which made such determination. Provide copies of all relevant documents.

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. No timeframes were given for this question. The breadth of this inquiry would entail a tremendous expenditure of time even if the question were limited to Lot 10 and a reasonable timeframe. The Company is not aware of persons involved in the generation or storage of hazardous wastes, hazardous substances, or industrial wastes of the nature that could be related to the lead and other metal materials found beneath Lot 10 or the Terrell Homes complex since the property was acquired by Hug. The Company reserves the right to supplement this response.

31. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site. In addition, identify:
- When such releases occurred;
 - How the releases occurred;
 - The amount of each hazardous substances, pollutants, or contaminants so released;
 - Where such releases occurred;
 - Whether the releases affected any surface water or if they were released to any storm drains;
 - Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - Any and all investigations of the circumstances, nature, extent, or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and
 - All persons with information relating to these releases.
- Provide copies of all relevant documents.

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. No timeframes were given for this question. The breadth of this inquiry would entail a tremendous expenditure of time even if the question were limited to Lot 10, a reasonable timeframe, and any discharges or releases in quantities actionable or reportable under applicable laws. The Company is not aware of persons of any such discharges of the nature that could be related to the lead and other metal materials found beneath Lot 10 or the Terrell Homes complex since the property was acquired by Hug. Information on remediation activities relating to underground storage tanks will be provided the future. The Company reserves the right to supplement this response.

32. Has there ever been a spill, leak, release, or discharge of hazardous substances into any subsurface disposal system, septic system, or floor drain inside or under the building? If the answer to the preceding question is anything but an unqualified "no", identify:
- Where the disposal system, septic system, or floor drains were located;
 - When the disposal system, septic system, or floor drains were installed;

- c. Whether the disposal system, septic system, or floor drains were connected to pipes;
- d. Where such pipes were located and emptied;
- e. When such pipes were installed;
- f. How and when such pipes were replaced, or repaired; and
- g. Whether such pipes ever leaked or in any way released hazardous substances into the environment.

Provide copies of all relevant documents

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. No timeframes were given for this question. The breadth of this inquiry would entail a tremendous expenditure of time even if the question were limited to Lot 10, a reasonable timeframe, and any discharges or releases in quantities actionable or reportable under applicable laws. The Company is not aware of persons of any such discharges of the nature that could be related to the lead and other metal materials found beneath Lot 10 or the Terrell Homes complex since the property was acquired by Hug. Information on remediation activities relating to underground storage tanks will be provided in the future. The Company reserves the right to supplement this response.

33. Did Chapel St. conduct any assessments, investigations, or cleanup of hazardous substances or wastes at the Site? If yes, identify all environmental contractors and consultants and describe the remediation/action they conducted or planned to conduct at the Site and the date(s) that the action(s) took place. Provide copies of all letters, reports, and conclusions issued by the contractors and consultants regarding the Site, including the names of the wastes that were disposed of and the location of the facility.

Response: For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings". As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. The Whitman Companies, Inc. was retained to conduct remediation activities and initiated remediation of underground storage tanks. More recent Pennjersey Environmental Consulting, Inc. ("Pennjersey") was retained to continue remediation activities. A copy of work generated by The Whitman Companies was previously provided and reports generated by Pennjersey will be provided when finalized. The Company reserves the right to supplement this response.

Pursuant to the authority in Section 104(e)(2)(C) of CERCLA, 42 U.S.C. §9604(e)(2)(C), EPA may require any person to furnish information relating to the ability of a person to reimburse EPA's past response costs. Therefore, please answer all of the following questions.

34. Respond to the following requests:
- a. Provide Chapel St.'s financial statements for the past three fiscal years, including, but not limited to, those filed with the Internal Revenue Service.

- b. Identify all of the company's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.

Response: For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings". The Company reserves the right to supplement this response in the future.

35. Please provide copies of all insurance policies and indemnification agreements held or entered into by Chapel St. that arguably could indemnify the Company against any liability which the company may be found to have under CERCLA for releases and threatened releases of hazardous substances, pollutants, or contaminants at and from the Site. In response to this request, please provide not only those insurance policies and agreements which currently are in effect, but also those which were in effect during the period of the company's operations at the Site. For any policy that you cannot locate or obtain, provide the name of the carrier, years in effect, nature and extent of coverage, and any other information you have,

Response: For the purposes of the responses herein the "Company" is understood to refer to 99 Chapel Street, L.L.C.; "Chapel St." is understood to refer to Chapel Street Partners; and "Hug" is understood to refer to "Hug Holdings". Further the determination as to what policies or agreements "arguably could indemnify the Company" is vague and calls for legal conclusions.

The Company reserves the right to supplement this response in the future.

36. For each legal action brought against current or prior owners, tenants, or site operators/managers of the Site regarding Site operations, permitting, or environmental matters, provide:
- The caption name, jurisdiction, and docket number (e.g., U.S. v. Owner (D.N.H. 92-003));
 - The date such action was initiated;
 - The names of parties to the action; and
 - The final disposition or current status of the action.

Response: As noted above the definition of "Site" is vague, extremely broad, and subject to varied interpretations. The phraseology of the question is also vague. Understanding the question to focus on suits filed to seek recovery for remediation costs or contamination, no such suits have been filed. The Company reserves the right to supplement this response.

37. Identify all individuals with knowledge of facts relating to the responses provided to this Request for Information, identify each individual who assisted or was consulted or who

answered on behalf of the company in the preparation of its response to this Request for information, and specify the question with which each person assisted in responding.

Response: Legal counsel was engaged to assist in the preparation of these responses and any communications relating thereto are protected with in the relevant privileges. The Company reserves the right to supplement this response.

38. Do you have any additional information or documents that may help EPA identify other companies that may have been the source of, or otherwise responsible for, the hazardous substances or industrial wastes that came to be located at the Site? If so, please provide that information and those documents and identify the source(s) of your information.

- a. In addition, identify all individuals (other than those identified in your response to Question 37.) who may have information or documents relating to the generation, handling, storage, transportation, or disposal of the hazardous substances or industrial wastes that came to be located at the Site.

Response: The Agency should make inquiry to City, investigate parties that constructed, maintained or repaired Millard E. Terrell Homes, investigate New Jersey Zinc and Iron Company, Barth Smelting Corp., General Lead Batteries, and other entities that owned the lands in question or operated thereon using materials that could have resulted in the impacts found at the Terrell Homes facility. The Company reserves the right to supplement this response.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

Barth Smelting Site, Newark, Essex County, New Jersey

State of N.J.

County of Essex:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

NAME (print or type)

CHRISTOPHER GUNO

TITLE (print or type)

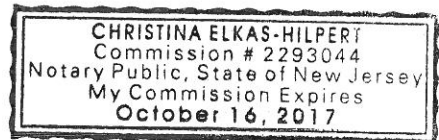
Member

SIGNATURE

Sworn to before me this 12th

day of Sept, 2013

Notary Public



Christina Elkas-Hilpert